

EXHIBIT C

Declaration of Kevin Atchley, Electrical Inspector with the Warren County Department of Public Works

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

STATE OF TENNESSEE,
ex rel. JONATHAN SKRMETTI,
ATTORNEY GENERAL and REPORTER,

and

COMMONWEALTH OF KENTUCKY,
ex rel. DANIEL CAMERON,
ATTORNEY GENERAL

Plaintiffs,

vs.

IDEAL HORIZON BENEFITS, LLC d/b/a
SOLAR TITAN USA, et al.

Defendants.

DECLARATION OF KEVIN ATCHLEY

I, Kevin Atchley, hereby state that I have personal knowledge of the facts set forth below, and the facts contained herein are true to the best of my recollection, except for those facts which are alleged to be upon information and belief, and as to those allegations, I hereby certify I believe the same to be true. If called as a witness, I would competently testify as follows:

1. I am a United States citizen and am over 18 years of age. I reside in Warren County, Kentucky.
2. I am an electrical inspector with the Warren County Department of Public Works. My job duties and responsibilities include inspecting electrical projects, including solar systems,

to ensure they are installed in accordance with The National Electrical Code (NEC)¹ and Kentucky law.

3. Since October 2021, I have encountered numerous issues with solar system installations performed by Ideal Horizon Benefits, LLC d/b/a Solar Titan USA (Solar Titan). As stated below, these include repeatedly failing to comply with licensure and permitting requirements as well as failing to perform solar system installations in a professional and workmanlike manner.
4. Kentucky law requires that electrical work, including the installation of a solar system, be supervised by Kentucky-licensed electricians. Specifically, Kentucky Revised Statutes (KRS) 227A.020(4) requires that a “person who is not licensed as an electrical contractor, electrician, or master electrician shall not engage in any activities or perform any of the duties usually performed by an electrical contractor, electrician, or master electrician unless the unlicensed person is under the direct supervision of a licensed electrician or master electrician who is present on the site where the work is being performed.”
5. I have frequently encountered situations where Solar Titan used unlicensed personnel to perform solar system installations and did not have appropriately licensed individuals (Kentucky-licensed electricians or master electricians) present at the job site to perform or supervise work. Solar Titan’s failure to use qualified installation personnel has resulted in a pattern of sub-standard work.

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¹ The current version of the NEC in use is the 2017 edition.

6. Over the course of inspecting Solar Titan solar system installations, I regularly identify violations of state law and the NEC. Some of the more common deficiencies I have observed include:

- Failing to have proper burial depth for conduits;
- Failing to use sunlight resistant wiring;
- Failing to use the correct wire size; and
- Failing to use wiring with the proper insulation;
- Failing to properly route wiring;
- Failing to properly secure conduit;
- Failing to properly reidentify conductors;
- Improperly combining controlled cable with circuit conductors;
- Incorrect wiring with the panels
- Powering solar systems on prior to passing inspections.

I have also encountered one solar system installation where Solar Titan's installers improperly swapped neutral conductors causing them to be crossed resulting in the circuits not functioning properly. I am aware of another Solar Titan project where Solar Titan's installers left wires exposed in the customer's yard.

7. The requirements set forth in state law and the NEC are intended to ensure that electrical equipment functions properly and safely. A solar system cannot pass inspection when it fails to comply with state law and the NEC. In Solar Titan's case, its solar systems have often failed multiple rounds of inspections due to Solar Titan's failure to perform work in

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my recollection. Executed this, the 23 day of February, 2023, in Bowling Green Ky (city/state).

Kevin Atchley
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